

R E M A R K S

The claims have been amended by rewriting claim 48, canceling no claims, and adding no new claims. Claims 1-71 remain in the application.

Reconsideration of this application is respectfully requested.

Claim Rejections - 35 U.S.C. § 102(e):

Claims 1, 2, 60, and 71 were rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Publication 2002/0152115 A1, issued to Morita et al. (hereafter, Morita).

Applicants' infer from Examiner's references that Examiner is equating Morita's HEO system to Applicants' claimed first communication system. If by any chance this is incorrect, then Applicants assert that the pertinence of the Morita reference is not clearly explained, as required by 37 C.F.R. § 1.104(c)(2), and request a new Final Office Action with more specificity. With reference to the aspect of Applicants' claims 1 and 60 that reads "which second geographic zone does not have the first communication service", the Examiner quotes Morita, which states ([119]) "Available methods to determine that a vehicle enters the restricted zone are by means of position information as found through the on-board GPS function and through a DSRC on the road without using HEO". Applicants' further infer that the Examiner concludes from this statement that Morita is describing

that there is no first communication service in the second geographic zone (which Examiner equates to the restricted zone).

Applicants' believe that the Examiner is putting words into Morita's mouth that Morita does not express. Morita never states that the restricted zone lacks the first communication service; Morita simply states that the position information can be found without using the first communication service. There may be a variety of reasons for the use of a communication system other than the HEO to determine position. For example, using a signal transmitted by a separate GPS satellite may simply be faster, or may not use any additional spectrum resources. Applicants find no description anywhere in Morita that a restricted zone is an area that lacks first communication services. Examiner also directs attention to paragraphs [0015]-[0017] of Morita, which describe some embodiments that use a signal reflected off a satellite for vehicular position finding. But Morita does not, for example, describe anywhere that position finding means other than satellite reflection are used because the reflection method would not work or work well due to the fact that the first communication system is unavailable in some zones or areas.

The Examiner uses essentially the same argument for claim 71. Applicants' believe that Morita has no description that can be used to support a description of a second geographic zone that lacks the first communication service (claims 1, 60) or even a second geographic zone that has a considerably reduced number of short range road side transmitters (claim 71), and for this reason, Applicants believe that claims 1, 60, and 71 are

unique in view of Morita, and patentable over any combination of the art cited in this application to date. Accordingly, Applicants believe that claims 2-47, 49-59 and 61-70 are also patentable, inasmuch as they rely upon one of claims 1 and 60.

Allowable Subject Matter:

Claim 48 was objected to as being dependent upon a rejected base claim but would be allowable if rewritten in independent form, including all other limitations of the base claim and any intervening claims.

Applicants have re-written claim 48 to include the descriptions of claim 1, and therefore believe it is now patentable.

Applicant notes that any amendments or claim cancellations made herein and not substantively discussed above are made solely for the purposes of more clearly and particularly describing and claiming the invention, and not for purposes of overcoming art. The Examiner should infer no (i) adoption of a position with respect to patentability, (ii) change in the Applicant's position with respect to any claim or subject matter of the invention, or (iii) acquiescence in any way to any position taken by the Examiner, based on such amendments or cancellations not substantively discussed. Furthermore, any remarks made herein with respect to a given claim or amendment are intended only in the context of that specific claim or amendment, and should not be applied to other claims, amendments, or aspects of Applicant's invention.

Applicant specifically reserves the right to prosecute claims of differing and broader scope than those presented herein, in a continuation application.

Please charge any fees associated herewith, including extension of time fees, to 502117.

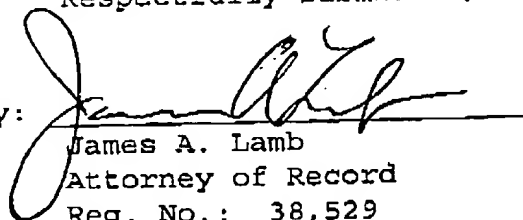
SEND CORRESPONDENCE TO:

Motorola, Inc.
Law Department

Customer Number: 22917

Respectfully submitted,

By:



James A. Lamb

Attorney of Record

Reg. No.: 38,529

Telephone: (847) 576-5054

Fax No.: (847) 576-3750

Email: jim.lamb@motorola.com